

UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
Charlotte Division
Case No. 3:05 CV 391-MU

FILED
IN COURT
CHARLOTTE, N. C.
SEP 20 2005

In re:

Joseph A. DiBruno, Sr.,

Debtor

Case Number 05-33007

Chapter 7

U. S. DISTRICT COURT
W. DIST. OF N. C.

In re:

Joseph A. DiBruno, Jr.,

Debtor.

Case Number 05-33006

Chapter 7

In re:

Nicholas DiBruno
Wendy DiBruno,

Debtors.

Case Number 05-33005

Chapter 7

**ORDER DIRECTING JOINT ADMINISTRATION AND
PROCEDURAL CONSOLIDATION PURSUANT TO
BANKRUPTCY RULE 1015(b)**

Upon consideration of the oral motion (the "Motion") of the Trustee for an order directing joint administration and procedural consolidation of these pending Chapter 7 cases; and the Court having found that good and sufficient cause exists for granting the Motion; it appearing that joint administration and procedural consolidation of these cases will be in the best interests of the Debtors' creditors and estates and will further the economic and efficient administration of these cases; and it further appearing that no notice of the Motion is required; it is hereby

ORDERED, that the above-captioned cases shall be procedurally consolidated and jointly administered by this Court; and it is further

ORDERED that nothing contained in this Order shall be deemed or construed as directing or otherwise effecting substantive consolidation of the above-captioned cases; and it is further

**DOCUMENT
SCANNED**

ORDERED that the caption of the jointly administered Chapter 7 cases shall be as follows:

In re:

Joseph A. DiBruno, Sr.

Joseph A. DiBruno, Jr.

Nicholas DiBruno
Wendy DiBruno

Debtors

Chapter 7

Bankruptcy Case Number 05-33007

Bankruptcy Case Number 05-33006

Bankruptcy Case Number 05-33005

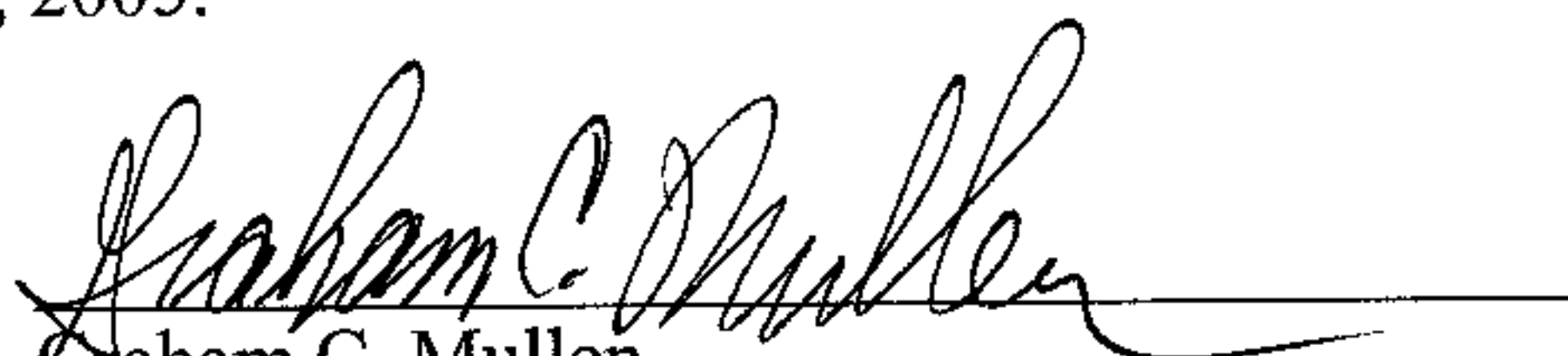
Jointly Administered

and it is further

ORDERED that a docket entry shall be made in the Bankruptcy Court of the cases of Joseph A. DiBruno, Jr. and Nicholas DiBruno and Wendy DiBruno substantially as follows:

"An order has been entered in these cases directing procedural consolidation and joint administration of these cases with the Chapter 7 bankruptcy case of Joseph A. DiBruno, Sr., Bankruptcy Case No.05-33007. The docket for Joseph A. DiBruno, Sr. should be consulted for all matters affecting these cases."

This the 20th day of September, 2005.


Graham C. Mullen
Chief U.S. District Court Judge

REVIEW OF JOSEPH A. DIBRUNO, SR. PETITION

Assets – Real Property – Schedule A

| Assets Scheduled | Petition Value | Tax Value |
|-------------------------|-----------------------|------------------|
| None | | |

Assets – Personal Property – Schedule B

| Assets Scheduled | Petition Value |
|--|-----------------------|
| Living Room furniture | \$250 |
| Bedroom furniture | 400 |
| Refrigerator | 150 |
| Washer | 100 |
| Dryer | 100 |
| VCR | 50 |
| Computer equipment | 400 |
| T.V. | 350 |
| Old Books | 100 |
| Old Pictures | 300 |
| 2 Wood Carvings | 500 |
| Clothing | 300 |
| Wrist Watch | 100 |
| Old Pocket Watches | 100 |
| 1976 MDL Ruger Pistol | 100 |
| 200 shares of Rennaisance 14 Corp. (value unknown) | 0 |
| Food Supplement Ingredient | 300 |
| TOTAL | \$3,600 |

Amendments to Personal Property – Schedule B

No formal amendments as of 9/19/05

Amendments to Personal Property – Schedule B – per testimony elicited by Trustee at Section 341 Meeting of Creditors

P 18, Ls 6-11 – DiBruno, Sr. testifies that he currently owns only one or two antiques, “I got a few water colors that are no great value.”

Items Removed from 7319 Wilkinson Blvd., Belmont, NC on 9/15/05

| Location | Item | Description |
|--------------------------------------|------------------------|----------------------------|
| Computer Room | Computer | Dell Power Case SN 8LV6L31 |
| Computer Room | Computer | Sony Vaio SN 3003449 |
| Computer Room | Computer Discs and CDs | |
| Garage | Pistol | T2J-1520 3GYFK66N65G267425 |
| And the items on the attached sheets | | |

Items Not Scheduled on Petition – Seen by Trustee During Visual Inspection of Premises¹

| Location | Item | Description |
|----------|---------------|--------------------------|
| Kitchen | Kitchen Table | Antique Table and Chairs |
| Kitchen | Small Buffet | Antique |
| Kitchen | White Cabinet | Antique |

In the Debtor's statement of financial affairs, question 14 “Property Held for Another Person”, the Debtor under oath stated “None”.

¹ Items of potential auction value

Wilkinson Boulevard

40. Garage * Geographic Atlas "Leather" Cover 1963 (Cover Separated from Spine)
41. Garage * Clear Plastic Box with 74 33 1/3 Vinyl Albums (Molded & Covers they are fair to poor)
42. Garage * Red Plastic Box with 170 - 33 1/3 Vinyl Albums (Most in Fair to Poor Condition) * 3 Floral Prints - Harry Adams * Cheap Print - Aaron DeVon Boggs (bent & torn)
43. Garage * Framed Print * Fredrick Remington * Man on Bucking Bronco
44. Garage * Celebrity Magazine Photo Mounted * Jim Arnes * Autographed (not authenticated) * Priced \$125.00
45. Garage * Vintage Photo Collection on Mat Board * Lucille Ball * Gabby Hays * Happy Couple * Jane Russell * Al Jolsen * 3 Stooges
46. Garage * Tear Sheet Movie Poster Mounted * Hoosier Schoolboy" Matted * Photo of Mickey Rooney * Signed * Priced N/A
47. Garage * Tear Sheet Movie Poster Mounted * "Miss Annie Rooney" Matted * Feature Shirley Temple's 1st Screen Kiss * Priced \$220.00
48. Garage * Lobby Card Featuring Pat O'Brien Mounted * 3X5 Autographed Card * Priced \$630.00
49. Garage * Original Movie Ad Mounted * Signed by Cyd Charisse * Priced by Label \$50.00 Scratched and Repriced \$545.00
50. Garage * General Motors Magazine Ad Mounted * Saturday Evening Post * November 18, 1944 * Priced \$20.00
51. Garage * Movie Tear Sheet "Cash McCall" Mounted * Signed James Garner * Priced by Label \$40.00 Scratched and Repriced \$500.00
52. Garage * Movie Tear Sheet "Life with Father" Mounted * Signed Irene Dunne * Price N/A
53. Garage * Vintage Magazine Photo Mounted * Boxer: Bobo Olsen * Signed * Priced \$100.00
54. Garage * Sheet Music "I Wonder Who's Kissing Her Now" Mounted * Signed June Haver * Priced by Label \$60.00 Scratched & Repriced \$625.00
55. Garage * Sheet Music "Everything I Have is Yours" Mounted * Signed Joan Crawford * Priced by Label \$175.00 Scratched & Repriced \$650.00
56. Garage * Movie Tear Sheet "The Peace Maker" Mounted * Signed James Mitchell * Priced on Label \$50.00 Scratched & Repriced \$350.00
57. Garage * Sheet Music "Everybody Loves Somebody" Mounted * Signed Peggy Lee * Priced N/A
58. Garage * Sheet Music "Midnight Gambler" Mounted * Signed Frankie Lane * Priced \$20.00
59. Garage * Sheet Music "Make Love to Me" Mounted * Signed Jo Stafford
60. Garage * Sheet Music "Music Maestro Please" Mounted * Signed Frances Langford * Priced \$22.00
61. Garage * Parade Magazine Cover Mounted * November 20, 1955 * Bob Cousy (Celtics) * Priced \$125.00
62. Garage * Sheet Music "Can Anyone Explain" Mounted * Signed by 4 Aimes Brothers * Priced N/A
63. Garage * Sheet Music "Melancholy" Mounted * Signed Vaughn Monroe * Priced on Label \$75.00 Repriced \$22.00
64. Garage * Framed Oil Rooster Subject * Approximately 8" x 12"
65. Garage * Framed Oil Floral * Artist Ladd * Approximately 8" x 12"
66. Garage * Beige Plastic Box * Magazines: Harpers Weekly (1800's); New York; Saturday Evening Post (Poor to Fair Condition) * Florida License Plate 1969 * Rifle Book * Playing Cards * Walt Disney Sheet Music
67. Garage * Print "La Faisanderie" 163 * House at River
68. Garage * Print :Posten Rosaz" * 166
69. Garage * Print "Paris, Notre Dame" * Signed Margaret with writing in Margin
70. Garage * Framed Etching "Love Letter" with Full Margins * Pierre Bonnard (French 1867-1947) * Posthumous Printing
71. Garage * Framed Print "Endeavor 1934" * Number 131/275 * R. H. Badeau
72. Garage * Framed Print "European Street Scene" * Caimari
73. Garage * Framed Pencil or Print "Moonlight Over The Golden Gate" * Alex Stern *
74. Garage * Framed Print "Trotting Cracks of Philadelphia Returning from the Race at Point Breeze Park" * Artist Unknown
75. Garage * Framed Poster 24" "The Farewell Shot" * Buffalo Bill (subject) * Glass is Broken
76. Garage * Framed Print "Arco diDruso"
77. Garage * Framed Etching "Chapel @ Duke University * Artist Doris Ori * Pencil note from Artist "To Trurler? Strickland in appreciation for their kindness to artist while sketching on campus"
78. Garage * Framed Print * Cherubs

Wilkinson Boulevard

79. **Garage** * Set of 4 Historical Framed Prints * Watercolor by Nick T. Ruggieri, FRSA * (1) "Dauphin Co. Court House, South Front Street, Harrisburg PA" * (2) "Harrisburg Public Library" * (3) "John Harris Mansion, South Front Street, Harrisburg, PA" * (4) "Pennsylvania Capitol, Harrisburg, Pa"
80. **Garage** * Framed Print, Small "Paint et Grave" par Manet, 1865
81. **Garage** * Framed Print * Clumber Spaniel
82. **Garage** * 10 Laminated Movie Posters * (1) Dead End Kids & Little Tough Guys in "Your Not So Tough" * (2) George O'Brien "Gun Law" * (3) "Dangerous Number" (4) "Army Girl" * (5) "Gangs of New York" * (6) Victor Moore in "This Marriage Business" * (7) "Criminals of the Air" * (8) "Cattle Raiders" * (9) "Ladies in Distress" * (10) "We Who Are Young"
83. **Garage** * 8 Waterproof Prints * Duke University * Luncheon Set
84. **Garage** * 6 Waterproof Prints * Duke University * Luncheon Set
85. **Garage** * 8 Copperplate Etchings of Duke University * Everett Waddey Co.
86. **Garage** * Miscellaneous items in a Picasso Set Box * Maillol Prints of Silk Screens Strange Nudes * Raul Dufy Print Set * 4 Degaus Prints
87. **Garage** * Framed Movie Poster "Hold Back Tomorrow" * Cleo Moore & John Agar
88. **Garage** * Framed Movie Poster "Blue Grass of Kentucky" * Bill Williams, Jane Nigh & Ralph Morgan
89. **Garage** * Framed Print "Singer Of The Ancient Song" * D Hughes * 129/200
90. **Garage** * Framed Print "Virgin & Saint"
91. **Bedroom** * Pocket Watch * Junghans Germany * 11 Jewels * S/N 20361 * Case S/N 0015862 * No Glass * Face Broke * Hands Bent * Overall Poor Condition
92. **Bedroom** * Pocket Watch * Elgin DeLuna * Poor Condition
93. **Computer Room** * 3 Ring Binder * Vintage Postcards * 35 Sheets - 4 postcards per sheet plus 1 Sheet with 3 Post & Holiday Cards = Total 143 Cards
94. **Computer Room** * Purple Box with Lid * Children's Books & Comics About 70 * Elvis People Magazine * 3 Metal Antique Posters * 5 Illustrated Pages of a Children's Christmas Book circa 1880 * T. Nast Artist * 2 Sleeves 3 Sets Milk Ration Coupons
95. **Computer Room** * Box of 163 Pieces of Vintage "Sheet Music
96. **Computer Room** * 4 Gorham Collector Plates with embossed Symbol * Program from Dinner with James A Farly, 1937
97. **Den** * 4 Folk Art Paintings * Kris Hotvedt * (1) "Coyote Holiday Cruise to Impress the Moon Rabbit" * (2) Coyote Rabbit Moon Party" * (3) "Coyote Tours Florida & Admires the Palms" * (4) "Hey, Come Join Us, Swimming With The Dolphins" "No Thanks" Said The Wise Moon "Swimming With You Would Be Like Swimming With Sharks" "Foiled Again" Said The Coyotes
98. **Den** * 6 Loose Block Prints * Kris Hotvedt * (1) "Courting With Flowers"; 4/20; 1986 * (2) "Those Cleaver Coyotes" Artist Proof 1/3; 1990 * (3) "Harvest"; 9/30; 1987 Edges Folded * (4) "Looking In The Rear View Mirror"; 3/15; 1990 * (5) "Cowboy"; 6/20; 1983 Damaged * (6) "The Big Ones That Got Away"; 1/25; 2nd State: 1988 Edges Folded
99. **Den** * Black Zip Up Leather Portfolio * Approximately 180 prints or Posters
100. **Den** * Snakecharmer * Rifle
101. **Den** * Beretta 9mm Pistol
102. **Den** * Smith & Wesson .38
103. **Den** * J. C. Higgins .22 cal.
104. **Den** * Lorgin * Model L380 * .38 Cal
105. **Den** * Haskell * JS * .45 Cal.
106. **Den** * Leather Holster
107. **Den** * 9mm Clip
108. **Den** * 9mm Clip
109. **Den** * Lorgin Clip
110. **Den** * Clip No Marking

REVIEW OF JOSEPH A. DIBRUNO, JR. PETITION

Assets – Real Property – Schedule A

| Assets Scheduled | Petition Value | Tax Value |
|----------------------------|--------------------------|-------------|
| Real Property ¹ | \$25,000.00 ² | \$19,680.00 |

Assets – Personal Property – Schedule B

| Assets Scheduled | Petition Value |
|-------------------------------|----------------|
| Living Room furniture | \$500 |
| Den furniture | 600 |
| Bedroom furniture | 500 |
| Stereo | 100 |
| Refrigerator | 100 |
| Odds & Ends | 100 |
| T.V. | 500 |
| 2 Paintings | 250 |
| 30 Books | 250 |
| Clothing | 300 |
| Sterling Silver Cross & Chain | 25 |
| Assorted fishing gear | 200 |
| Camera | 150 |
| 1995 Utility Trailer | 250 |
| Office Desk | 50 |
| Computer equipment | 200 |
| Fax machine | 35 |
| Software | 50 |
| TOTAL | \$4,160 |

Amendments to Personal Property – Schedule B

No formal amendments as of 9/19/05

¹ Lot adjacent to 107 Westwood Dr., Belmont, NC , 1/3 interest \$10,000 or \$3,333.33; co-owners with Lela DiBruno and Nicholas DiBruno

² Scheduled Petition Value = \$25,000 with \$15,000 lien; exemption amount = \$3,333.33

Amendments to Personal Property – Schedule B – per testimony elicited by Trustee at Section 341 Meeting of Creditors

P 8, Ls 6-14 – DiBruno Jr. testifies that as of the date of the filing of his bankruptcy petition he had only a few hundred dollars in cash on hand.

Items Removed from 103 Poplar Street, Belmont, NC (DiBruno Jr.'s current residence) on 9/15/05

| Item | Description |
|-------------------------------------|-------------------------------|
| Scrap Watches | |
| Title 2003 Custom Motorcycle | 5850603385, 1s92rvlb82r635582 |
| Christmas Commemorative Coin | |
| Dell Laptop | Model PP06L |
| And the items on the attached sheet | |

Items Not Scheduled on Petition – Seen by Trustee During Visual Inspection of Premises³

| Location | Item | Description |
|--|------|-------------|
| | | |
| Removed from Mini Warehouses by Cann and not yet inventoried | | |
| | | |

In the Debtor's statement of financial affairs, question 14 "Property Held for Another Person", the Debtor under oath stated "None".

³ Items of potential auction value

- i. Phone & fax Deactivator w/ anti vox system
- ii. Micro Bug Detector
- iii. M.J. Heade painting (landscape by river) in wood crate
- iv. Raoul Dufy painting, 1948, Roven – abstract sailboats
- v. Coin collection containing:
 - 1. 13 silver dollars
 - 2. 3 commemorative silver dollars
 - 3. 28 fifty cent pieces
 - 4. 10 Susan B. Anthony coins
 - 5. Gold panda coin
 - 6. One troy ounce
 - 7. 11 gold liberty dollars
- vi. Thirty Thousand Dollars (\$30,000) in cash, in small Callaway duffel bag
- vii. Jewelry
 - 1. 2 bags scrap gold
 - 2. 1 antique w/ hand diamonds
 - 3. 1k diamond ring
 - 4. 14k loop
 - 5. 2 lapel pins for broach
 - 6. diamond ring – in modern setting
 - 7. diamond ring (reset w/ baguettes)
- viii. Firearms
 - 1. Olympic Arms #BT6489 assault rifle
 - 2. Green case 2 30 rd mags 1 20 rd mag
 - 3. 4 boxes ammo
 - 4. Ruger .223 #196-03747 rifle
 - 5. Ammo box w/ magazines and ammo
- ix. Watches
 - 1. Aero 88033
 - 2. Rolex Submariner, E series, superlative chronometer, perpetual date, 93150 on band (sn inside watch)
 - 3. Eberhard Chrono4 – stainless steel, sn 31041, mdl# 1-0429
 - 4. Breitling Chronomat Automatic, NBA engraved 18k, sn K13050-1
- x. Fuji Digital 57000 camera
- xi. HP Photosmart 245 copier

REVIEW OF NICK & WENDY DIBRUNO PETITION

Assets – Real Property – Schedule A

| Assets Scheduled | Petition Value | Tax Value |
|----------------------------|--------------------------|-------------|
| Real Property ¹ | \$25,000.00 ² | \$19,680.00 |

Assets – Personal Property – Schedule B

| Assets Scheduled | Petition Value |
|------------------------|----------------|
| Living Room furniture | \$250 |
| Bedroom furniture | 500 |
| Stereo | 100 |
| Refrigerator | 100 |
| Washer | 150 |
| Dryer | 100 |
| VCR | 50 |
| Computer equipment | 500 |
| Odds & Ends | 500 |
| T.V. | 500 |
| Clothing | 300 |
| Wedding Band – wife | 1,000 |
| Wedding Band – husband | 100 |
| Watch – husband | 200 |
| TOTAL | \$4,350 |

Amendments to Personal Property – Schedule B

No formal amendments as of 9/19/05

Amendments to Personal Property – Schedule B – per testimony elicited by Trustee at Section 341 Meeting of Creditors

P 15, Ls 16-24 – Nick testifies that he owns no weapons other than a bow and arrow valued at approximately \$100

¹ Lot adjacent to 107 Westwood Dr., Belmont, NC, 1/3 interest \$10,000 or \$3,333.33; co-owners with Lela DiBruno and Joseph DiBruno, Jr.

² Scheduled Petition Value = \$25,000 with \$15,000 lien; exemption amount = \$3,333.33

P 16, Ls 12-23 – Nick testifies that his son owns a few inexpensive guns, “probably 3 or 4 guns, little .22s and stuff” with an aggregate value of \$500

P 21, Ls 9-11 – Pursuant to Trustee’s inquiry, Wendy DiBruno indicates she owns a watch in addition to a wedding band (listed on petition)

P 21, Ls 14-17 – Nick DiBruno testifies he has a few inexpensive watches as well as a wedding band (and watch listed on petition)

Items Removed from 184 Reese Wilson Road on 9/15/05

| Location | Item | Description |
|----------|--------------------|--|
| Den | Sony Vaio Computer | 3003427, PCV-2220 |
| Den | One Box | Various computer discs, CD-Roms, address book |
| Bedroom | Videotape | 8mm |
| Bedroom | Jumpdrive | LEXAR |
| Kitchen | Pistol | Colt PT.F.A., Hartford, Conn, USA S/N 84589 – Nylon case |
| Kitchen | Rife/Shotgun | Companhia Brasileira DeCartuchos, Model 151, 20 gauge, 2 ¾” – full, S/N 29-016406 |
| Kitchen | Rifle/Shotgun | BPI-Connecticut Valley Arms, Mag Hunter 50 caliber 1.28 Twist, Made in Spain, Black Powder, S/N 6h3-088463-02 |
| Kitchen | Rifle/Shotgun | Model CZ 452-2e, ZKM American, Made in Czech Republic, S/N 838794, with dual pod stand, hush stalker strap, Leupold scope |
| Kitchen | Rife/Shotgun | Optima .50 cal., S/N 61-13-145524-03 |
| Bedroom | Rifle/Shotgun | Model 410 Ga. 3” full, Pardner, New England Firearms, S/N NR326763 |
| Den | Rifle/Shotgun | Rouge Rifle Company, Nylon Case, S/N 69756 |
| Den | Rifle/Shotgun | B.S.A. made in England, Model 42.5 GRS NC 100GRS Bullet 243 Win 2”, S/N 118784, Parker Hale Scope, Clip and bullets, Gun Guard case |

Items Not Scheduled on Petition – Seen by Trustee During Visual Inspection of Premises³

| Location | Item | Description |
|----------------|-----------------------------|------------------------------|
| Living Room | Widescreen TV | Pioneer Elite – Ebony Finish |
| Den | Motorcycle Tools – tool box | Jesse James Tool Box |
| Son's Room | Television | |
| Bedroom | Large Aquarium | |
| Master Bedroom | Flat Screen TV | New Model – SPV? |
| Back Room | Pool Table | |
| Back Room | 2 Large Crossbows | |
| Back Room | 1 Small Crossbow | |
| Back Porch | Stainless Steel Grill | |
| Back Yard | 1 Golf Cart | |
| Master Bedroom | Antique Bedroom Set | |
| Master Bedroom | Video Camera | Sony |
| | Motorcycle ⁴ | |

In the Debtors' statement of financial affairs, question 14 "Property Held for Another Person", the Debtors under oath stated "None".

³ Items of potential auction value

⁴ Per Nick, he owned a custom motorcycle not scheduled on petition with lien in favor of Rachel Bean – motorcycle located at Grumpy's in Concord